

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: May 3, 2018  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 18-701-00007 – Property located at 917 Fairmont Avenue, Control Map 045D, Group H, Parcel 002.00** requests a special exception for church or other place of worship in an R-1B zone to Sec 114-183(c). The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Bob Seymour  
1341 Belmeade Dr.  
Kingsport, TN 37664  
(423) 245-0836

Representatives: Bob Seymour and Pat Breeding

**Case: 18-701-00006 – Property located at 2000 Stonebrook Pl, Control Map 046C, Group H, Parcel 003.05** requests written approval from the Board of Zoning Appeals to temporarily reestablish the nonconforming land use of a gravel parking lot for commercial use to Sec 114-8(4). The property is zoned A-1, Agricultural District, P-1, Professional Offices District, and B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner: Four Leaf Properties, LLC, Rick Buchanon  
23177 Kestrel Dr  
Bristol, VA 24202  
(423) 914-0004

Representative: Zachary Machuga

**BUSINESS:**

**Approval of the March 1, 2018 driving tour and regular meeting minutes.**

**Stating for public record, the next application deadline is May 15, 2018 at noon, and meeting date (Thursday, June 7, 2018).**

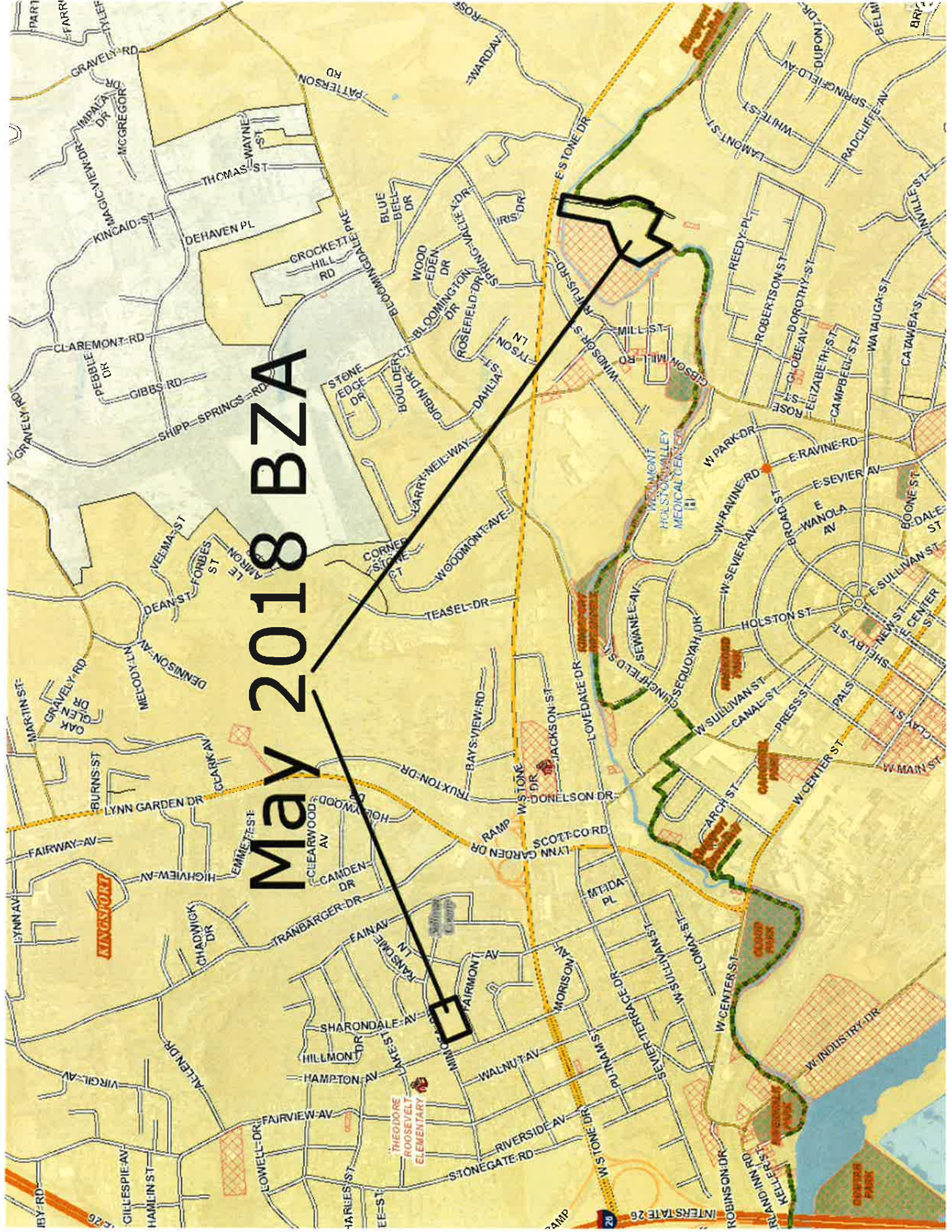
**Training on variance, special exception, and administrative review justification, defense, and procedures to be conducted after adjudication of cases is completed.**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**



May 2018 BZA





MEMORANDUM

TO: KINGSPOINT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 17, 2018

RE: 917 Fairmont Ave

The Board is asked to consider the following request:

**Case: 18-701-00007 – Property located at 917 Fairmont Avenue, Control Map 045D, Group H, Parcel 002.00** requests a special exception for church or other place of worship in an R-1B zone to Sec 114-183(c). The property is zoned R-1B, Residential District.

The requested special exception will allow the Bible Study Two Ministries to operate in an R-1B zone located at 917 Fairmont Avenue. The property is the former site of the Sevier Terrace Pool. A conceptual site plan and building elevation drawing is included in the packet. Additionally, one printed email addressing neighbor concerns is also included in the packet (dated Sep 25, 2017). The Bible Study Two Organization has scheduled a neighborhood meet and greet for April 21, 2018. The meet and greet is meant to educate surrounding neighbors about the proposed activity (flyer attached).

The proposal for the property includes a new principal structure, new swimming pool, and basketball court with associated new parking. The existing picnic pavilion is being preserved.

## Weems, Ken

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**From:** Don Bowles <donbowles1972@gmail.com>  
**Sent:** Monday, September 25, 2017 9:39 PM  
**To:** Weems, Ken  
**Subject:** Proposed Zoning Change in Several Terrace to Accommodate Bible Study II

Mr. Weems:

A few weeks ago, I visited your office and talked briefly with your assistant about the project underway at the former site of the Sevier Terrace swimming pool, a property adjoining mine. Apparently, my concerns have been made known to Bible Study II because I have been approached by a member of that organization for the purpose of addressing them.

There are several reasons why I feel I need to be concerned about this project. First, the property adjoins mine and thus will amplify whatever effects may be felt by the neighborhood at large. Statutory and case law seems to provide strong protection of property rights in such cases. Second, I have asked for a copy of the plans for this structure, but Mr. Wells, a representative of Bible Study II, informed me that the plans were incomplete but would be forthcoming at a later date. I told him I couldn't reasonably be expected to approve a plan I'd never seen. Third, the information I do have is that the facility will house up to 90 teen-agers on a street that has very few, if any at all. Fourth, this street and entire neighborhood is zoned single-family residential. It is difficult to see how any structure that houses 90 students and an unknown number of staff can conform to the existing zoning designation. Fifth, the swimming pool and facilities have been demolished and filled in, and a certain amount of landscaping completed. Why would this be done prior to approval by the zoning board? \*It seems they have the cart before the horse.

Mr. Weems, I have every reason to believe that this project is based on the good intentions of well-meaning people, but good intentions are not enough. This is an excellent idea being carried out in the wrong location. I would appreciate it very much if you would make the zoning board aware of my concerns.

Yours truly,

Don Bowles  
[donbowles1972@gmail.com](mailto:donbowles1972@gmail.com)

REGULAR MEETING  
& PUBLIC HEARING  
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, May 3, 2018 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

**Case: 18-701-00007 – Property located at 917 Fairmont Avenue, Control Map 045D, Group H, Parcel 002.00** requests a special exception for church or other place of worship in an R-1B zone to Sec 114-183(c). The property is zoned R-1B, Residential District.

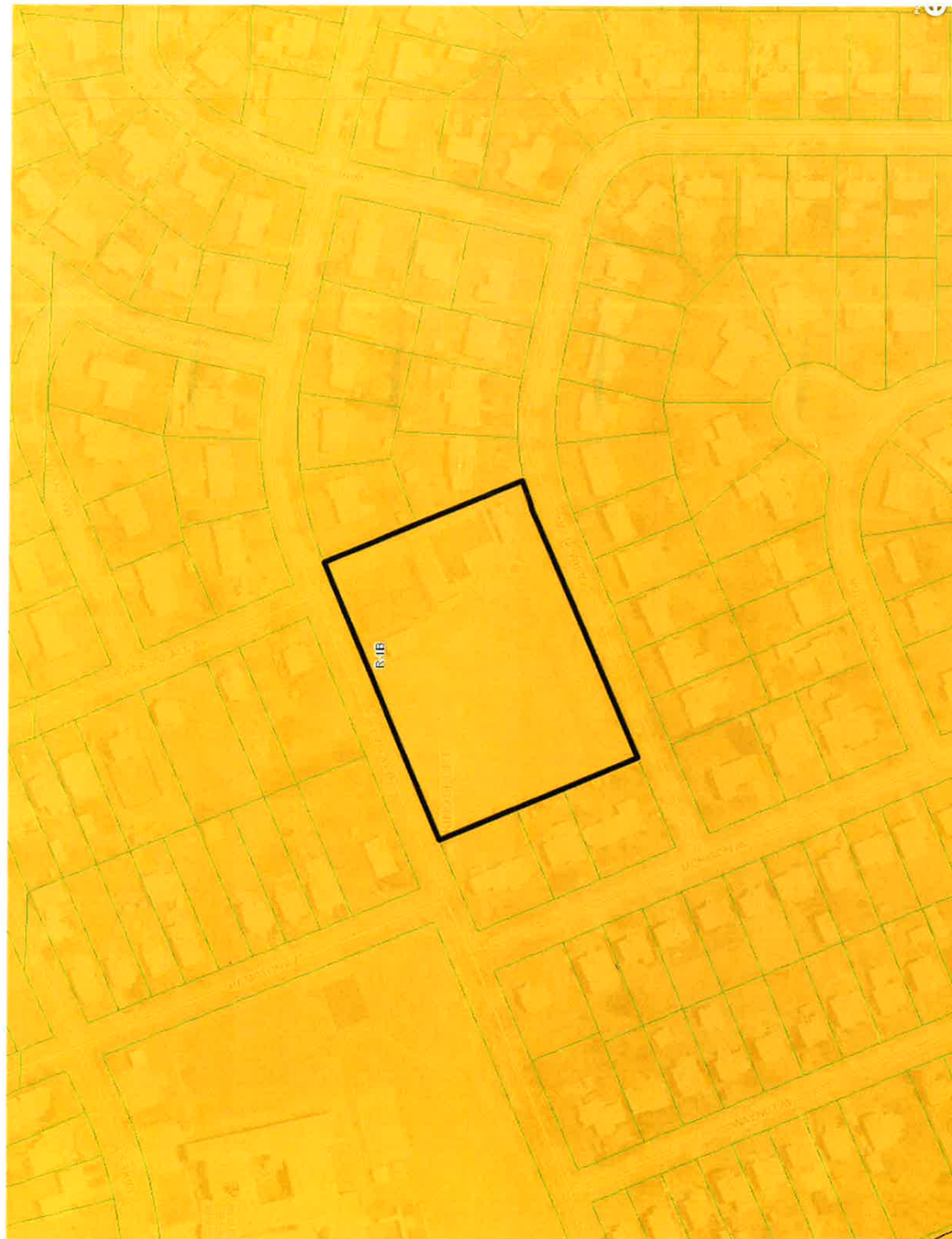
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee  
Jim Deming, City Recorder  
P1T: 4/23/18











# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name Seymour First Bob M.I. Date April 4 2018  
Street Address 1341 Belmeade Dr Apartment/Unit #  
City Kingsport State TN ZIP 37664  
Phone 423 245 0836 E-mail Address bobseymour@embarqmail.com

## PROPERTY INFORMATION:

Tax Map Information Tax map: 045D Group: H Parcel: 002.00 Lot:  
Street Address 917 Fairmont Ave Apartment/Unit #  
Current Zone R-1B Proposed Zone No Change  
Current Use Vacant Property Proposed Use Bible Study for MS & HS Students

## REPRESENTATIVE INFORMATION:

Last Name Breeding First Pat M.I. Date April 4 2018  
Street Address: 130 Regional Park Drive Apartment/Unit #  
City Kingsport State TN ZIP 37660  
Phone 423-349-7760 E-mail Address pat@grdinc.com

## REQUESTED ACTION:

Special exception for church or other place of worship in a R-1B Zone

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

*Pat Breeding*

Date: 4/4/18

Signed before me on this 4<sup>th</sup> day of April, 2018

a notary public for the State of Tennessee

County of Sullivan

Notary *E. Renee Church*

My Commission Expires 4-24-19



# LEGEND

- PROPERTY LINE (THIS PROJECT)
- PROPERTY LINE (OTHER)
- SETBACK
- COUNTY LINE
- EXISTING STRUCTURE
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR MINOR
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- OVERHEAD POWER / COMM.
- UNDERGROUND POWER / COMM.
- SPRINKLER LINE
- CHAIN LINK FENCE
- SPOT ELEVATION
- CATCH BASIN
- POWER POLE
- LIGHT POLE
- MAN HOLE
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- POST INDICATOR VALVE
- WATER METER
- IRON ROD

Cain Architectural

1301 King Pk. NW

PRI

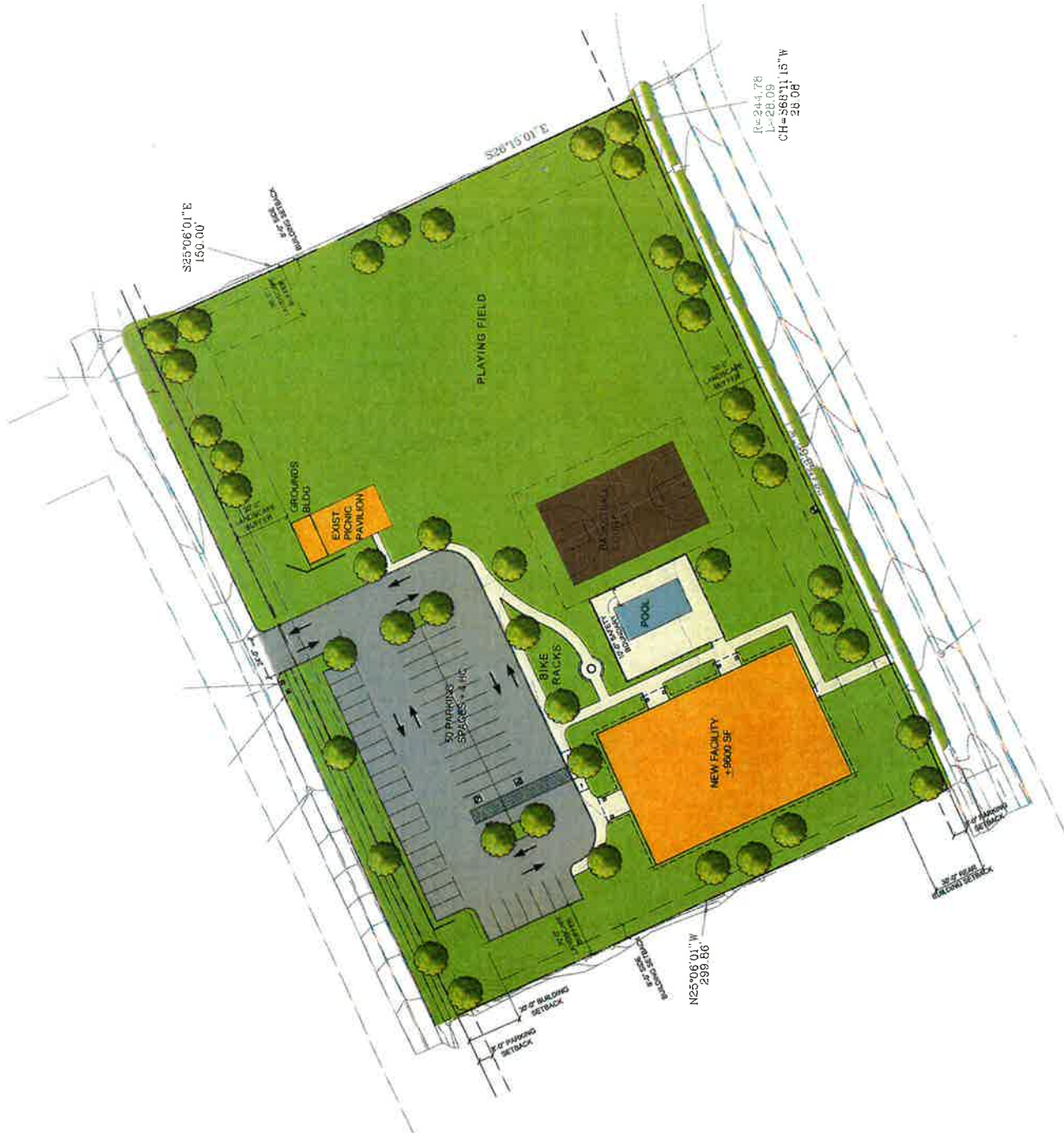
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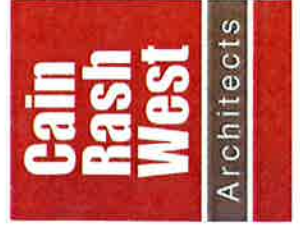
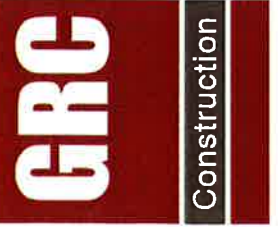
## CONCEPTUAL SITE PLAN

SCALE: 1" = 30'-0"





A New Facility for:





# TimesNews

KINGSPORT, TENNESSEE | timesnews.net

AUGUST 7, 2017

## GOOD NEWS... Extreme Makeover Big Plans for Sevier Terrace

Kingsport officials and the Sevier Terrace neighborhood have for years been discussing what can be done with the Sevier Terrace Recreation Center, an abandoned park and swimming pool that is a

public eyesore and safety hazard. At long last, a savior has arrived in the form of *Bible Study Two* a youth ministry founded in Kingsport 13 years ago.



# TimesNews

KINGSPORT, TENNESSEE | timesnews.net

AUGUST 23, 2017

KINGSPORT - The Sevier Terrace Recreation Center has been a troublesome eyesore for the folks in that neighborhood for years.

However, things are about to change. The center will soon have a new owner in *Bible Study Two* for boys and girls.



# GREAT NEWS

A new neighbor is coming to Sevier Terrace

Saturday, April 21st from 12:00-2:00pm.

Meet and Greet will be at the Sevier Terrace Picnic Shelter.

Join us for hot dogs and learn more about your exciting new neighbor.

(Rain date: Saturday 28th from 12:00-2:00pm)

[www.biblestudytwo.org](http://www.biblestudytwo.org)

[www.facebook.com/biblestudytwo](https://www.facebook.com/biblestudytwo)

[www.facebook.com/biblestudygirlsedition](https://www.facebook.com/biblestudygirlsedition)



## MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 17, 2018

RE: 2000 Stonebrook PI

The Board is asked to consider the following request:

**Case: 18-701-00006 – Property located at 2000 Stonebrook PI, Control Map 046C, Group H, Parcel 003.05** requests written approval from the Board of Zoning Appeals to temporarily reestablish the nonconforming land use of a gravel parking lot for commercial use to Sec 114-8(4). The property is zoned A-1, Agricultural District, P-1, Professional Offices District, and B-3, Highway Oriented Business District.

The zoning code addresses discontinuance as follows:

- (4)

*Discontinuance. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with this chapter without the written approval of the board of zoning appeals.*

Mr. Machuga, the application representative, desires to keep the existing gravel parking lot to serve his new business location of 2000 Stonebrook PI. The business is proposed to be a diving (SCUBA) store. Mr. Machuga plans to pave the parking area, but would like to do so in the future. Mr. Machuga will provide a proposed deadline to the Board of approximately one year until the parking lot will be paved.

The property is currently going through the rezoning process to make the entire parcel a B-3 zone (currently, only a small portion of the parcel along E Stone Dr is zoned B-3).

The submitted site plan addresses the existing gravel parking lot as it exists today and how the proposal would be submitted in the future for paving.

The subject property has been reviewed by the BZA three times in the past (Apr 10, 1997, Sep 11, 1997, and October 7, 2004). The BZA actions focused on golf course use and a freestanding sign height ruling (all attached).

Staff recommends a deadline date be included in any motion to approve this request. The date should serve as a deadline for compliance with existing parking regulations. The current hard surface parking standard is as follows in Sec 114-563(12):

- (12)

*Parking surface. All parking lots other than single- and two-family residential shall be paved with asphalt, concrete, permeable pavers, or other similar material recommended by the city engineer.*

MINUTES  
MUNICIPAL BOARD OF ZONING APPEALS  
APRIL 10, 1997

PRESENT: Jack Clevinger, President; John Caldwell, Jerry Machen, Sr., Zack Wright, Building Official.

ABSENT: Leland Leonard, Vice-Chairman, Richard Hopson.

The meeting was opened by Chairman Clevinger at 7:00 p.m. to consider the following cases:

CASE NO. 1804: A request by Lynn Crumley, 2000 Stonebrook Place, for a special exception to place a small golf course, Par 3, in an A-1 zone.

The case was presented by Mr. Crumley stating his wish to place a Par 3 golf course around his driving range. He showed his plans, his means of construction, and lay-out around the flood way area and the finished product look of the project.

Mr. Tom Parham spoke about the project expressing concern for the City's Greenbelt which is looking to expand around the edge of the property. He had no objection to the project as long as the Greenbelt plans are not disturbed. Mr. Crumley again spoke stating he has no intentions of injuring the Greenbelt and does wish to continue negotiations with the City for expansion of the Greenbelt.

There being no one else desiring to speak the public hearing was closed.

CASE NO. 1805 A request by Johnathan Pierce for a variance on the height and square footage of signage allowed in a P-1 zone at 2404 North John B. Dennis Highway.

Mr. Pierce presented his case showing plans, pictures and that there is a need for the larger sign. He has split his building into a multi-tenant facility. He would like for each tenant in the building to have recognition on the sign.

There being no one else desiring to speak the public hearing was closed.

CASE NO. 1806: A request by First Tennessee Bank, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-2 zone at 230 West Center Street.



The case was presented by James Warren, Snyder Signs, showing plans and pictures of the existing sign and the need for ATM additional signage.

There being no one else desiring to speak the public hearing was closed.

**CASE NO. 1807:** A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at the Amaco Station on Sam Walton Drive.

The case was presented by James Warren, Snyder Signs. After studying the pictures and diagrams submitted it could not be determined if a variance was necessary. He was asked to revisit the site and get exact measurements.

**CASE NO. 1808:** A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at 1328 South John B. Dennis Highway at White's Fresh Food Center.

The case was presented by James Warren, Snyder Signs. After much discussion regarding the number of existing signs and what a variance might mean to other businesses in the center, Mr. Warren told the need for the new ATM machines. He stated the need was greater being in a grocery store than if it were a regular bank.

There being no one else desiring to speak the public hearing was closed.

**CASE NO. 1809** A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at 3006 North John B. Dennis Highway at the White's Fresh Food Center.

The case was presented by James Warren, Snyder Signs. He stated just as the previous case that the new ATM machine is being installed and there is a greater need for additional signage since it is a grocery store and not a bank.

There being no one else desiring to speak the public hearing was closed.

**CASE NO. 1810:** A request by Smokey Mountain Pizza Co., Allen Dryden, AIA, for a 19' rear setback variance to allow construction of an accessory building in a B-3 zone at 714 West Center Street.

The case was presented by Allen Dryden, architect. He showed plans for the structure and the unusual situation at the rear of

~~the~~ property. ~~There is~~ a City alley there and no other businesses ~~can~~ be built behind them, therefore, the variance should not effect ~~the~~ area adversely in any way. They will also correct drainage ~~prob~~lems in the alley. The variance was changed from 19' to 16'.

There being no one else desiring to speak the public hearing was closed.

CASE NO. 1811: A request by Billy Taylor, 1229 Garden Drive, for a 13' front setback variance to allow construction of a front porch.

Mr. Taylor presented his case stating that the existing porch is so small that only one person can sit on it at a time and is wishing to enlarge the existing slab and place a roof over it. It would not have sides or be enclosed in any way, just an open porch.

There being no one else desiring to speak the public hearing was closed.

This being all the cases to come before the Board, they convened to the business session. Minutes of the last meeting were read and approved as read all voting "aye".

The Board then discussed the request for a called meeting and agreed that the ~~meting~~ meeting was necessary with the meeting set for April 23, 1997 ~~at~~ noon. The Board then returned to the case decisions.

CASE NO. 1804: A request by Lynn Crumley, 2000 Stonebrook Place, for a special exception to place a small golf course in an A-1 zone BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended with the parking lot to be paved before opening his new business.

CASE NO. 1805 A request by Johnathan Pierce for a variance on the height and square footage of signage allowed in a P-1 zone at 2404 North John B. Dennis Highway, BE AND IS HEREBY DENIED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended.

CASE NO. 1806: A request by First Tennessee Bank, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-2 zone at 230 West Center Street BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended with the new sign to be 18 sq.ft.

CASE NO. 1807: A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at the Amaco Station on Sam Walton Drive is TABLED until the called meeting.

**CASE NO. 1808:** A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at 1328 South John B. Dennis Highway, White's Fresh Food Center BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended.

**CASE NO. 1809** A request by Bank of Tennessee, Snyder Signs-agent, for a variance on the allowable square footage of a free-standing sign in a B-3 zone at 3006 North John B. Dennis Highway the White's Fresh Food Center BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended.

**CASE NO. 1810:** A request by Smokey Mountain Pizza Co., Allen Dryden, AIA, for a 19' rear setback variance to allow construction of an accessory building in a B-3 zone at 714 West Center Street BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended with the variance to be 16'.

**CASE NO. 1811:** A request by Billy Taylor, 1229 Garden Drive, for a 13' front setback variance to allow construction of a front porch BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended with the porch to be open on all sides except the house side.

This being all the business to come before the Board, they adjourned until the called meeting of April 23, 1997 at twelve noon.

  
ZACK WRIGHT, BUILDING OFFICIAL  
MUNICIPAL BOARD OF ZONING APPEALS



MINUTES  
MUNICIPAL BOARD OF ZONING APPEALS  
SEPTEMBER 11, 1997

PRESENT: Jack Clevinger, Chairman; Leland Leonard, Vice-Chairman; John Caldwell; Richard Hopson; Jack Pierce; Zack Wright, Building Official.

ABSENT: None.

The meeting was called to order by Chairman Clevinger at 7:00 p.m. in the Council Room to consider the following cases:

**CASE NO. 1841:** A request by Lynn Crumley, Golf Crafters, for a special exception to place a golf course in a P-1 zone at 2000 Stonebrook Place.

Mr. Crumley presented his case, owner of the golf course, showing his drawings, how the course will be laid, and that he and the Greenbelt Committee have met and realigned the greenbelt. This is a request for a special exception in the P-1 zone.

There being no one else desiring to speak the public hearing was closed.

**CASE NO. 1842:** A request by Sterling House Corporation, Dan Gossett, agent, for a special exception to place an assisted living center in a P-1 zone on North John B. Dennis Highway.

Mr. Gossett presented the case, showing plot plans of the building, parking lay-out. He showed pictures of other centers they operate. In just six years their corporation now owns and operations 100 assisted living centers. They have different types of standards and rates for their clients.

There being no one else desiring to speak the public hearing was closed.

This being all the cases to come before the Board, they convened to the business session. The minutes of the previous meeting were read and approved as read all voting "aye".

The Board members then expressed their appreciation for his many years of service to Zack Wright on his upcoming retirement September 30, 1997. The Board stated that they had always enjoyed working with Mr. Wright regarding his cooperation and assistance in not only the Board of Zoning Appeals but with him in the Building Department.

This being all the business, the Board returned to the case decisions.

**CASE NO. 1841:** A request by Lynn Crumley, Golf Crafters, for a special exception to place a golf course in a P-1 zone at 2000 Stonebrook Place BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended.

**CASE NO. 1842:** A request by Sterling House Corporation, Dan Gossett, agent, for a special exception to place an assisted living center in a P-1 zone on North John B. Dennis Highway BE AND IS HEREBY GRANTED under the authority of Article II, Section 3D3 of Ordinance #2555 as amended.

This being all the business to come before the Board, they adjourned until the next regular meeting of October 9, 1997.

  
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ZACK WRIGHT, BUILDING OFFICIAL  
MUNICIPAL BOARD OF ZONING APPEALS

## MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 7, 2004

7 p.m. City Hall, 225 W Center St, 2<sup>nd</sup> Floor, Council Room

### MEMBERS PRESENT:

Leland Leonard, Chairman

John Caldwell, Vice-Chairman

Jack Compton

### STAFF PRESENT:

Robert Nemeth, Kingsport City Planner

### VISITORS:

Joe McLeod

Sherry Inabinet

Erik Fritz

Wyndell Sydebothom

Dale Greer

Fay Jones

Ralph Jones

Ray Tipton

James Carr

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Leland Leonard called the meeting to order at 7 p.m. He summarized meeting procedure.

Case No. 04-1001: The property at 2941 Ashley Street (Sullivan County tax map 62I-N-31) requested a variance to permit an existing uncovered porch to remain 2-feet from the western side property line in an R-1B, Single-family Residential District, which does not permit projections to extend into the side yard more than one-third the width of such yard (8-foot side yard setback requirement) [Kingsport Code of Ordinances, Section 114-146 (4)]. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to grant the variance for the uncovered porch as requested because it would not adversely impact the surrounding neighborhood (i.e. the adjacent western house was closer to the shared western side property line than the porch, rebuilding the decaying porch with new wood was an aesthetic improvement).

Case No. 04-1002: The property at 1496 Lawrence Street near its intersection with Dellwood Street (29E-C-17) requested a 7-foot southern side yard variance in order to locate a 20-x-20-foot carport 1-foot from the southern side property line in a R-1B, Single-family Residential District, which requires minimum 8-foot side yard setbacks [Kingsport Code of Ordinances, Section 114-192 (e)(1)(d)]. On a motion by Jack Compton, seconded by John Caldwell, the Board voted unanimously, 3-0, to grant the variance as requested PROVIDED THE CARPORT WAS OPEN NOT ENCLOSED, GUTTERED, AND AN A-FRAME. The rationale was that it would not adversely



impact the surrounding neighborhood (i.e. southern adjacent neighbor did not object, fire safety was protected because there would still be 5-feet between the house and proposed carport).

Case No.04-1003: The property at 4537 Palomino Drive near its intersection with Cooks Valley Road (62E-E-26, lot 10) requested a 1.7-foot front yard setback variance to permit an existing house 28.3-feet from the front property line in an R-1B, Single-family Residential District, which requires minimum 30-foot front yard setbacks [Kingsport Code of Ordinances, Section 114-194 (e)(1)(c)]. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to grant the variance as requested because of the curvature of the lot.

Case No.04-1004: The property at 1705 East Stone Drive at its intersection with North Eastman Road (47I-A-2) requested a 7-foot front yard setback variance, and 26.9-foot rear setback variance, and a variance for the landscape plan as submitted in order to locate gas canopies 23-feet from the front property line, and re-establish the Appco gas station 3.1-feet from the rear property line in a B-4P, Planned Business District, which requires minimum 30-foot front, and rear setbacks [Kingsport Code of Ordinances, Section 114-252 (d) (1)(3); Article VI]. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to grant the variances as requested because it would not adversely impact the surrounding neighborhood (i.e. the plan provided more landscaping than the existing conditions). The Board requested the Kingsport Planning & Traffic Divisions work with the applicant and TDOT to preserve the existing landscaping in the TDOT right-of-way, and if possible, to provide more than grass there.

Case No.04-1005: The Golfer's Edge located at 2000 Stonebrook Place at its intersection with East Stone Drive (46B-H-3) requested a free-standing variance of 5-feet in height, and 48-square feet in size in order to locate a free-standing sign 10-feet in height above East Stone Drive, and 80-square feet in size in a Agricultural District, which allows 4-free standing signs with maximum 32-square feet in size, and maximum 5-feet in height [Kingsport Code of Ordinances, Section 114-569 (1)]. ]. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to grant the variance as requested PROVIDED NO OTHER SIGNS BE PUT ON THE PROPERTY. The Board noted that the variance request was similar to totaling the square-footage of the permitted signs in the zoning district.

Case No.04-1006: First Assembly of God located at 2213 Brandon Lane near its intersection with East Stone Drive (47O-A-4,7,9) requested a special exception to construct a parking lot in an R-1B, Single-family Residential District [Kingsport Code of Ordinances, Section 114-194 (c) (4)]. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to grant the special exception as proposed on the site plan attached to the these minutes PROVIDED NO ADDITIONAL DRIVEWAY CURBCUTS BE ADDED ADJACENT TO BRANDON LANE. The Board also stated that a sports field site plan was required before they could consider it.

Case No.04-1007: China Tai Chang Buffet located at 4307D Ft. Henry Drive (92K-A-2.10) requested a free-standing sign variance in order to add onto the existing free-standing sign located in a B-3, General Business District, which permits a maximum 100-square feet [Kingsport Code of Ordinances, Section 114-569 (8 (9) (1))]. The Board TABLED the item until the property owner agreed in writing to a site plan drawn to scale that showed the existing, and proposed free-standing signage.

Case No.04-1008: The Cooks Point development located at the intersection of Cooks Valley Road and Harbor Chapel Road (62K-A-1) requested a 2.4-foot periphery yard setback variance in order to allow an existing house to be located 27.6-feet from the property line adjacent to Cooks Valley Road in a PD, Planned Development District, which requires a 30-foot periphery yard [Kingsport Code of Ordinances, Section 114-357 (d)]. On a motion by Jack Compton, seconded by John Caldwell, the Board voted unanimously, 3-0, to grant the variance as requested because it would not adversely impact the surrounding neighborhood.

On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 3-0, to approve the September 2, 2004 BZA meeting minutes.

The BZA stated for the public record the next application deadline (noon Monday October 18), and next work session and meeting date (Thursday November 4).

The meeting adjourned at 8:30 p.m.

\_\_\_\_\_ Robert Nemeth, AICP

REGULAR MEETING  
& PUBLIC HEARING  
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, May 3, 2018 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

**Case: 18-701-00006 – Property located at 2000 Stonebrook Pl, Control Map 046C, Group H, Parcel 003.05** requests written approval from the Board of Zoning Appeals to temporarily reestablish the nonconforming land use of a gravel parking lot for commercial use to Sec 114-8(4). The property is zoned A-1, Agricultural District, P-1, Professional Offices District, and B-3, Highway Oriented Business District.

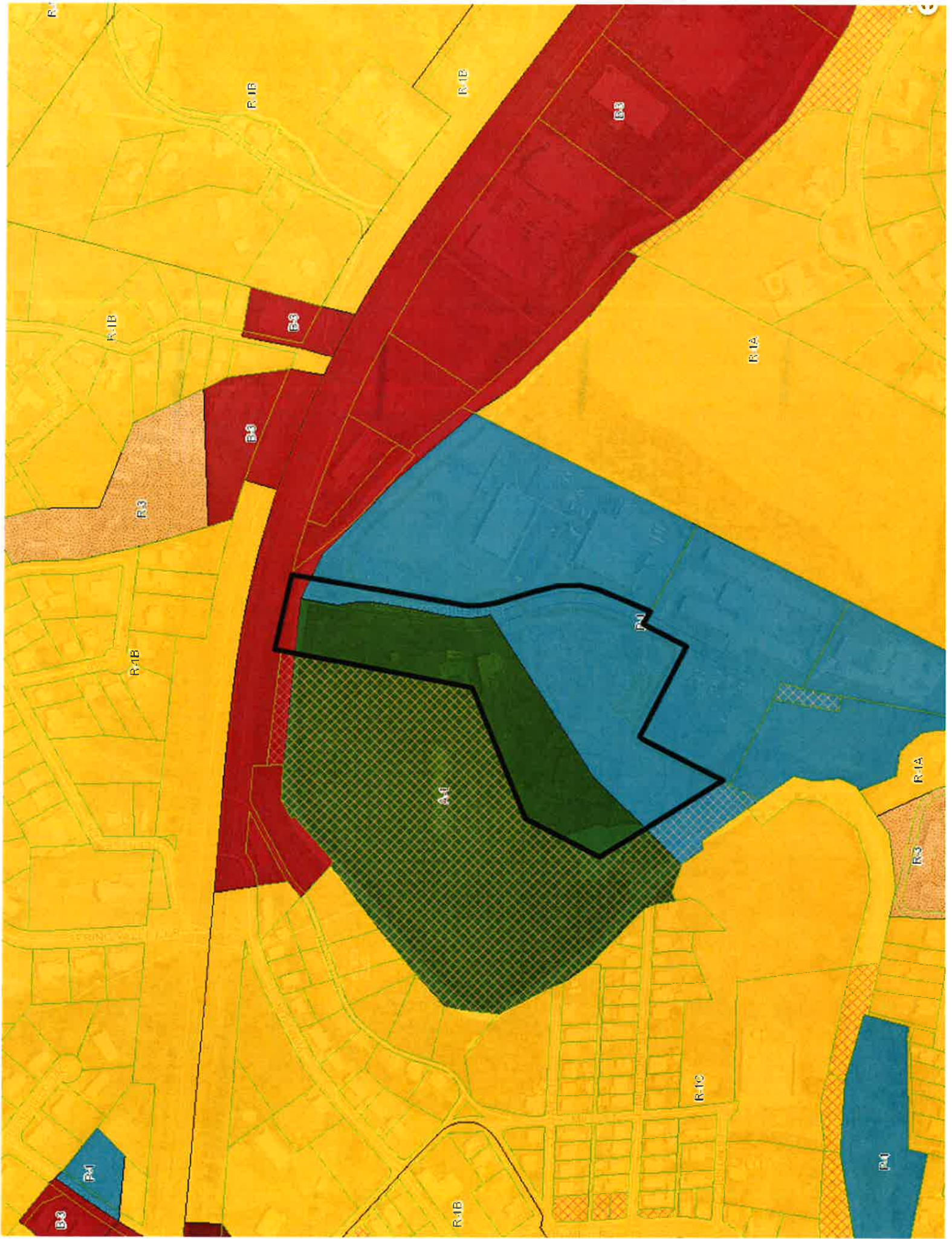
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee  
Jim Deming, City Recorder  
P1T: 4/23/18









# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name FOUR LEAF PROPERTIES, LLC First \_\_\_\_\_ M.I. \_\_\_\_\_ Date 4-5-18  
Street Address 23177 KESTREL DR Apartment/Unit # \_\_\_\_\_  
City BRISTOL State VA ZIP 24202  
Phone 423-914-0004 E-mail Address rbuchanan@bva.net

## PROPERTY INFORMATION:

Tax Map Information Tax map: 46C Group: H Parcel: 3.05 Lot: \_\_\_\_\_  
Street Address 2000 Stonebrook Pl. Kingsport, TN Apartment/Unit # \_\_\_\_\_  
Current Zone A-1 and P-1 Proposed Zone B-3  
Current Use Vacant Proposed Use miniature golf/scuba retail & education center

## REPRESENTATIVE INFORMATION:

Last Name MacEvers First Zachary M.I. R Date 4/5/2018  
Street Address 2633 Wildwood Dr. Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone 931-793-9217 E-mail Address MacEversLLC@gmail.com

## REQUESTED ACTION:

Requesting writ- approval over board of zoning appeals to temporarily reestablish the non-conforming use of a gravel parking lot for a retail business.

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Graham W. Burton  
MANAGING MEMBER

Date: 4-5-18

Signed before me on this 5th day of April 2018  
a notary public for the State of Tennessee  
County of Sullivan

Notary Alison Harrison  
My Commission Expires 6-19-18



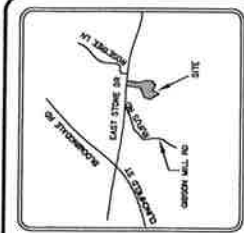


ZACHARY MACHUGA  
SULLIVAN COUNTY, TENNESSEE

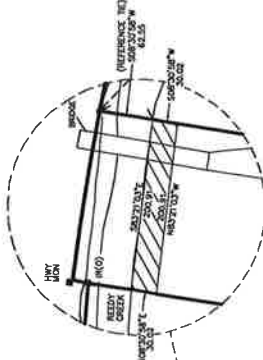
ALLEY & ASSOCIATES, INC.  
SURVEYORS  
243 S. MARKET STREET, KINGSPORT, TENNESSEE 37660  
TELEPHONE: (423) 392-8898  
FAX: (423) 392-8898  
E-MAIL: [info@alleyandassociates.com](mailto:info@alleyandassociates.com)



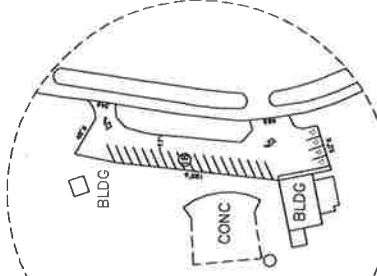
FILE NO. 18-1077 MACHUGA



LOCATION MAP  
N.T.S.



30' FUTURE  
GREENBELT EASEMENT  
N.T.S.



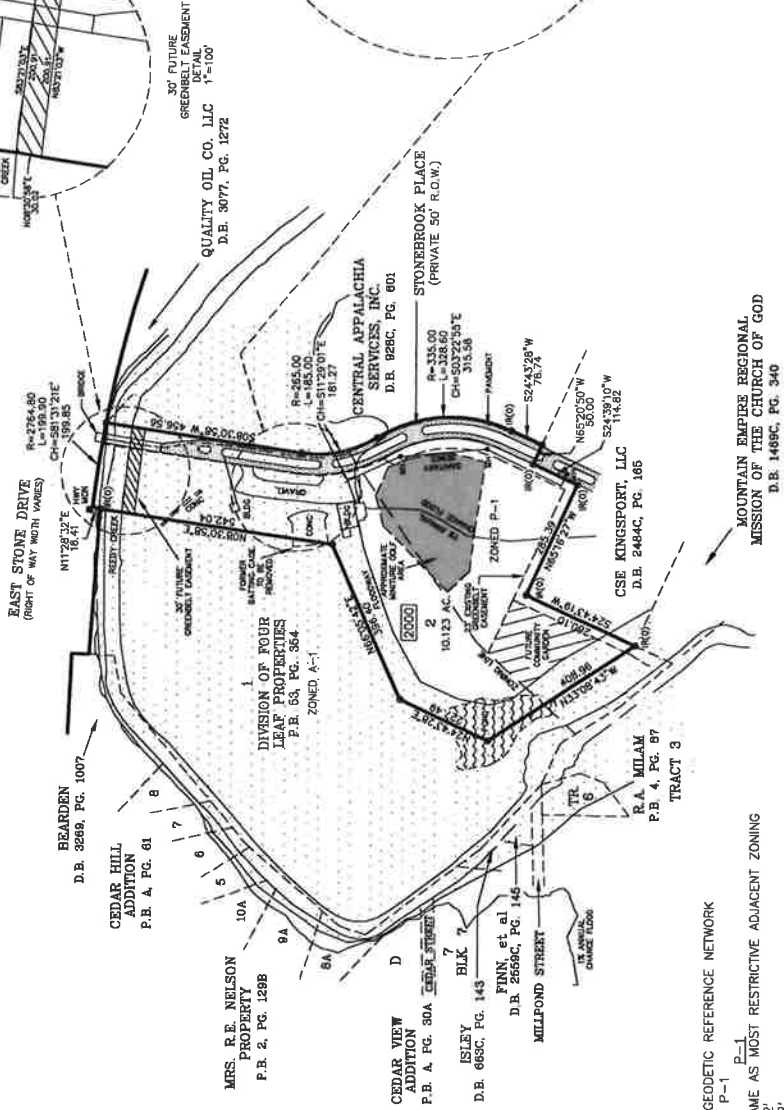
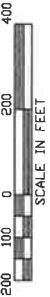
FUTURE PARKING LOT  
WITH GRAVEL  
DIMENSIONS & SPACES  
1"=100'

LEGEND

- IR(O) IRON ROD, OLD POINT IN CREEK/POND
- DB DEED BOOK
- PC PAGE
- PB PLAT BOOK
- AC ACRES
- HWY HIGHWAY
- RD ROAD
- BLDG BUILDING
- MH MANHOLE
- R.O.W. RIGHT OF WAY
- N.T.S. NOT TO SCALE
- [E2] 911 ADDRESS

ZONING DEVELOPMENT PLAN

LOT 2  
DIVISION OF FOUR LEAF PROPERTIES  
11TH CIVIL DISTRICT  
SULLIVAN COUNTY  
TENNESSEE  
DATE: APRIL 4, 2018  
SCALE: 1"=200'



NOTES:

- 1) NORTH BASED ON KINGSFORT GEODETIC REFERENCE NETWORK
- 2) PROPERTY IS ZONED A-1 AND P-1 P-1  
SETBACKS: A-1 SAME AS MOST RESTRICTIVE ADJACENT ZONING  
FRONT 50' 12'  
REAR 50' 12'  
SIDE 20'
- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION  
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD  
INSURANCE ADMINISTRATION BOUNDARY MAP 47163C00450  
EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE  
PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN  
JOB NO. 16-110771 MACHUGA.DWG  
ACAD FILE 16-110771.DWG  
7  
TAX MAPS 610, 611, PARCEL 305  
PLAT REFERENCE: P.B. 15, PAGE 354  
5/8" IRON RODS ON ALL CORNERS UNLESS OTHERWISE NOTED.  
6' UTILITY AND DRAINAGE EASEMENT ALONG SIDE AND REAR  
LOT LINES, 12' ALONG FRONT OF ALL LOTS.  
11) HAWK SURVEYING, ENTITLED "MAP OF COUNTRYSIDE HEALTHCARE, LTD. SITE  
WALDEN COUNTRYSIDE VILLAGE SITE" DATED OCTOBER 1, 1984  
THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS,  
RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND  
UNRECORDED.  
12) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS  
OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.  
13) I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF  
PRECISION IS BETTER THAN 1:10,000.  
14) THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM  
STANDARDS OF PRACTICE.  
15) EXISTING GRAVEL PARKING LOT TO GO BEFORE KINGSFORT BOARD OF ZONING  
APPEALS TO RE-ESTABLISH A NONCONFORMING USE OF A GRAVEL PARKING LOT.  
BY JULY 1, 2019, PARKING LOT WILL BE PAVED TO CITY STANDARDS.

**MINUTES OF THE DRIVING TOUR OF THE  
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

**March 1, 2018**

10:30 a.m.

Members Present:

Bill Sumner, Chairman  
Calvin Clifton, Vice Chairman  
Jeff Little

Members Absent:

Ashok Gala  
Anita Campbell

Staff Present:

Ken Weems, AICP

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At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 331 Sewanee Avenue and 1171 Shipp Street. No official action was taken.

The driving tour concluded at 11:30 a.m.

) Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### March 1, 2018, Regular Meeting

Noon

Bob Clear Conference Room, 1<sup>st</sup> floor of the Development Services Building

#### Members Present:

Bill Sumner, Chairman  
Calvin Clifton, Vice Chairman  
Jeff Little

#### Members Absent

Ashok Gala  
Anita Campbell

#### Staff Present:

Ken Weems, AICP  
Page Jeffers

#### Visitors

Shauna Read  
Gary Easley  
Pat Breeding

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Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Shauna Read, Gary Easley, and Pat Breeding were sworn in.

#### **Public Hearing:**

**Case: 18-701-00003 – Property located at 331 Sewanee Avenue, Control Map 046H, Group D, Parcel 006.00** requests an 8 foot side yard setback variance for extension of an existing carport to Sec 114-185(e)1(d). The property is zoned R-2, Two-Family Residential District.

Mr. Gary Easley presented the case to the Board. Mr. Easley explained that we wanted to extend the existing carport on the unit to a width that will better accommodate a vehicle. Mr. Easley stated that the overhang of the carport extension will not be closer to the property line than 2 feet. Mr. Easley stated that there are many similar duplexes and homes in the vicinity of his that have similar features.

Chairman Sumner, seeing no one wishing to speak, closed the public hearing.

**Case: 18-701-00004 – Property located at 1171 Shipp Street, Control Map 061P, Group A, Parcel 003.00** requests a special exception to permit land use of a dog daycare, dog training facility, dog spa, and dog hotel to Sec 114-199(d)1. The property is zoned M-2, General Manufacturing District.

Ms. Shauna Read presented the case to the Board. Ms. Read asked that a special exception be granted to allow her to conduct her dog business. Ms. Read stated that she plans to open a service for dogs that will include daycare, training, spa, and hotel services. Chairman Sumner asked about the configuration of the fence being installed. Ms. Read answered that the fenced area would serve as an enclosure for the dogs during the time they are taken outside. Ms.



Read further stated that she plans to add a door to access the fenced area since there is currently not one in the correct location. Chairman Sumner asked staff if there had been any calls about the case. Staff answered that one call had been received from an adjacent property owner in support of the item.

Chairman Sumner, seeing no one wishing to speak, closed the public hearing.

**Case: 18-701-00005 – Property located at Tri Cities Xing, Control Map 119, a Portion of Parcel 098.50** requests an 82.32 square foot variance to Sec 114-533(13)h(1)a. The property is zoned TA/C, Tourist Accommodation/Commerce District.

Mr. Pat Breeding presented the case to the Board. Mr. Breeding stated that signage for this franchised auto dealership is directed by the KIA franchise. Mr. Breeding stated that the needed wall signage would be much less than other auto dealerships in the city. Mr. Breeding noted that two of the proposed wall signs were directional in nature for both the service portion and delivery portion of their proposed dealership. Chairman Sumner asked staff for a copy of the TA/C zoning district sign regulations. Staff provided the regulations. Calvin Clifton noted that the allotment of wall signage in the regulations was rather low compared to existing city auto dealerships. Staff stated that this wall sign allotment is much lower than that afforded to other auto dealerships inside the city, primarily due to zoning district requirements and gateway reductions for wall signage. Calvin Clifton inquired about the wall signage for the adjacent development of Meade Tractor. Staff stated that Meade Tractor had a total of 75.07 square feet of approved wall signage. Staff further stated that Meade Tractor is located in a B-4P, Planned Business District. Pat Breeding stated that his goal is to make the site user friendly and accommodate zoning laws too.

Chairman Sumner, seeing no one wishing to speak, closed the public hearing.

Chairman Sumner called for the approval of the February 1, 2018 driving tour and regular meeting minutes. On a motion by Calvin Clifton, seconded by Jeff Little, the Board approved the February 1, 2018 regular meeting and driving tour minutes unanimously (3-0).

The Board stated, for the record, that the next submittal deadline is March 15, 2018 at noon for the April 5, 2018 regular meeting.

Mr. Weems reported to the Board that he is working with the training officer and president of the Tennessee Chapter of the American Planning Association (TAPA) to offer BZA training in the near future. Mr. Weems stated that both Bristol and Johnson City planners discussed this need for their BZA members during their last chapter meeting. Further, Mr. Weems stated that he would announce the training date and time as soon as it is available. Jeff Little requested a date after April 18<sup>th</sup> due to tax season.

#### **Adjudication of Cases:**

**Case: 18-701-00003 – Property located at 331 Sewanee Avenue, Control Map 046H, Group D, Parcel 006.00**

Calvin Clifton acknowledged the existence of adjacent property carport expansions consistent with the proposal.

MOTION: made by Jeff Little, seconded by Calvin Clifton to grant the 8 foot side yard setback variance, with the overhang of the carport addition being no closer than 2 feet from the property line and being constructed of similar materials of adjacent carports complimentary of the home.

VOTE: 3-0 to approve the request.

**PROOF PRESENTED:**

1. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. *The existing duplex on this parcel is especially close to the property line, much closer than the R-2 district side yard minimum distance.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would prevent the owner from utilizing a portion of his parcel that other like zoned and like sized parcels could utilize. This aspect is recognized in the ability to accommodate a modern day automobile.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant. The property was purchased by the current owner with all existing conditions.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the neighborhood by allowing a carport in the zoning district that is consistent with adjacent property carports.*

**Case: 18-701-00004 – Property located at 1171 Shipp Street, Control Map 061P, Group A, Parcel 003.00**

Chairman Sumner announced adjudication of the special exception.

MOTION: made by Calvin Clifton, seconded by Jeff Little, to grant the special exception as requested.

VOTE: 3-0 to approve the request.

**Case: 18-701-00005 – Property located at Tri Cities Xing, Control Map 119, a Portion of Parcel 098.50**

Chairman Summer acknowledged the need for auto dealerships to convey their message to customers. Additionally, the Chairman stated that he understood the need for the requested directional signage. Jeff Little noted that the proposal contains 5 separate wall signs and introduced the fact that the largest wall sign proposed is 31% of the total proposed wall sign allotment. Jeff Little stated that one way to help prevent future proposals of large wall signs is to limit the maximum size of individual wall signs in the district. Calvin Clifton acknowledged that future auto dealerships proposed for this area would likely want the same amount of wall signage granted to the KIA dealership.

MOTION: made by Jeff Little, seconded by Calvin Clifton to grant the 82.32 square foot wall sign variance as shown on the site plan created by Pattison Sign Group, TN043 with the condition that no individual wall sign included in the total approved wall sign allotment is larger than 31% of the total approved allotment.

VOTE: 3-0 to approve the request.

**PROOF PRESENTED:**

1. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. *This parcel is elevated above Tri Cities Xing. Unique wall sign challenges are presented due to lack of visibility from the public street serving the development.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would prevent the owner from achieving wall sign visibility similar to what future adjacent property tenants may be able to utilize.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant. The property was purchased in its current state.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the neighborhood by wall signage that is consistent with both the Gateway Commission requirements and the typical wall sign needs of a franchised automobile dealership.*

With no further business the meeting was adjourned at 12:54 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator